



BILLING CODE: 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2011-0041]

Privacy Act of 1974, as Amended

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of Proposed Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (CFPB), gives notice of the establishment of a new Privacy Act System of Records.

DATES: Comments must be received no later than [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]. The new database will be effective [INSERT DATE 40 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*], unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments, identified by Docket No. CFPB-2011-0041, by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau 1700 G Street N.W., Washington DC 20006.
- *Hand Delivery/Courier in Lieu of Mail:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street, N.W., Washington, DC 20006.

All submissions must include the agency name and docket number for this notice. In general, all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street, N.W., Washington, DC 20006 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G St, NW, Washington, DC 20006, (202) 435-7220.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act (Act), Public Law No. 111-203, Title X, established the CFPB. The CFPB administers, enforces, and implements federal consumer financial laws, and, among other powers, has authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The Act establishes an Ombudsman's Office, Section 1013(a)(5), to liaise between the CFPB and "any affected person with respect to any problem that such party may have in dealing with the Bureau, resulting from the regulatory activities of the Bureau." The Ombudsman's Office is an independent, impartial, and confidential resource that will advocate for a fair process to resolve issues between the CFPB and an individual or a

financial product or service provider. The CFPB Ombudsman's Office will maintain the records covered by this notice.

The new system of records described in this notice, CFPB.010 – CFPB Ombudsman System will allow the Ombudsman's Office to track inquiries submitted to the Ombudsman while they are being adjudicated.

The report of the new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated November 30, 2000, and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled, "CFPB.010 – Ombudsman System" is published in its entirety below.

Date: December 8, 2011

Claire Stapleton,
Chief Privacy Officer

CFPB.010

System Name:

CFPB Ombudsman System.

System Location:

CFPB Ombudsman's Office, Consumer Financial Protection Bureau, 1700 G Street N.W., Washington DC 20006.

Categories of individuals covered by the system:

Individuals, which may include, without limitation: (1) current or former officers, employees, shareholders, agents, and independent contractors of covered persons and service providers as defined by the Act; (2) those who submit inquiries to the CFPB Ombudsman's Office and their representatives; and (3) employees of the CFPB assigned to review and/or respond to any inquiries, as requested by the Ombudsman's Office.

Categories of records in the system:

Records maintained in the system may contain, without limitation: (1) correspondence (including letters, memoranda, faxes, telegrams, and e-mails) received and sent; (2) identifying information regarding the individual who submitted the inquiry, such as the individual's name, phone number, address, e-mail address, and any other disclosed identifiable information; (3) information about the CFPB employee who is responsible for addressing the inquiry; (4) information on the status of the inquiry; and (5) relevant dates.

Authority for maintenance of the system:

Pub. L. No. 111-203, Title X, Section 1013, codified at 12 U.S.C. § 5493; Privacy Act of 1974, as amended, 5 U.S.C. 552a.¹

Purpose:

The purpose of the information system is to enable the CFPB Ombudsman to efficiently and securely process information while providing assistance to individuals, financial product or service providers, or their representatives in resolving problems with the CFPB.

¹ Section 1066 of the Act grants the Secretary of the Treasury interim authority to perform certain functions of the CFPB. Pursuant to that authority, Treasury published rules on the Disclosure of Records and Information within 12 CFR Chapter X. This SORN is published pursuant to those rules and the Privacy Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules promulgated at 12 C.F.R. 1070 *et seq* to:

- (1) Appropriate agencies, entities, and persons when (a) the CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;
- (2) Another federal or state agency to: (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency; or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;
- (3) To the Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;
- (4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

- (5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job or other activity on behalf of the CFPB Ombudsman's Office or Federal Government and who have a need to access information in the performance of their duties or activities;
- (6) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:
 - (a) The CFPB;
 - (b) Any employee of the CFPB in his or her official capacity;
 - (c) Any employee of the CFPB in his or her individual capacity where DOJ or the CFPB has agreed to represent the employee; or
 - (d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components; and
- (7) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license.

Policies and practices for storing, retrieving, accessing, retaining, and dispensing of records in the system:

Storage:

Paper and electronic records.

Retrievability:

Records are retrievable by a variety of fields, including the name of the individual or type of financial product or service provider, the date of the inquiry, the inquiry control number, or some combination thereof.

Safeguards:

Access to electronic records is restricted to authorized CFPB Ombudsman personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those CFPB Ombudsman personnel whose official duties require access.

Retention and disposal:

The CFPB will maintain computer and paper records until the National Archives and Records Administration approves the CFPB Ombudsman's records disposition schedule.

System manager(s) and address:

Consumer Financial Protection Bureau, Ombudsman, 1700 G Street N.W.,
Washington DC 20006.

Notification procedure:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and

Information.” Address such requests to: Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street N.W., Washington DC 20006.

Record access procedures:

See "Notification Procedures," above.

Contesting record procedures:

See "Notification Procedures," above.

Record source categories:

Information in this system is maintained about individuals or financial product or service providers who submit inquiries to the CFPB Ombudsman’s Office and Ombudsman employees assigned to help review or respond to such inquiries.

Exemptions claimed for the system:

None.

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